

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	Criminal Action No.
v.)	08-00162-01-CR-W-NKL
)	
MATTHEW HARKER,)	
)	
Defendant.)	

REPORT AND RECOMMENDATION

On May 8, 2008, defendant moved for a judicial determination of mental competency. Defendant was examined at the Medical Center for Federal Prisoners in Lexington, Kentucky, Karen Milliner, Psy.D., a forensic psychologist. Dr. Milliner found defendant not competent at the present time, but found that there is a substantial probability that he could attain competency in the foreseeable future if he is committed for treatment.

I held a competency hearing on August 6, 2008 (transcript is document number 4). Defendant was present, represented by Bruce Houdek. The government was represented by Assistant United States Attorney Raymond Meyer. The parties stipulated to the report of Dr. Milliner.

Based on the evidence before me, I find that the defendant is not competent to stand trial and to assist in his defense. Therefore, it is

RECOMMENDED that the court, after making an independent review of the record and applicable law, enter an order finding

defendant incompetent to stand trial and to assist in his defense. It is further

RECOMMENDED that the court commit defendant to the custody of the Attorney General for hospitalization and treatment pursuant to 18 U.S.C. § 4241(d).

/s/ Robert E. Larsen

ROBERT E. LARSEN
United States Magistrate Judge

Kansas City, Missouri
August 11, 2008